

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LISA DEVLIEG, MPT, a single woman,

NO. 22-cv-1219-RSM

Plaintiff,

V.

EASTSIDE SPORTS REHABILITATION
CLINIC - Partners: Michael Yamashita, PT,
Lisa van Loben Sel MPT, OCS, Jaime
Pilkington, MSPT,

Defendants.

THIS MATTER comes before the Court on Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12(b)(6). Dkt. #10. *Pro se* Plaintiff has filed a short Response which states, in part, “[a]fter a great deal of consideration, I don't feel it is in the best interest of either party to continue,” and “I consequently will not oppose, and do acquiesce to Defendants Motion to Dismiss.” Dkt. #13-1. She goes on to state “I therefore ask the Court to dismiss all claims with prejudice...” *Id.* She attaches a second copy of the proposed order filed by Defendants.

The Court does not need a Reply brief from Defendants. The parties agree that dismissal based on Rule 12(b)(6) is appropriate. The Court will interpret Plaintiff's filing as a voluntary

1 dismissal under Rule 41(a)(1), with the effect of dismissal with prejudice being the clear request
2 of Plaintiff. Dismissal with prejudice is the same result under either interpretation.

3 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Complaint
4 Pursuant to Rule 12(b)(6) (Dkt. #10) is GRANTED. All of Plaintiff Lisa DeVlieg's claims
5 asserted against Defendants are dismissed with prejudice.

6 DATED this 16th day of December, 2022.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE